IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 16TH AUGUST 2007 / 25TH SRAVANA 1929

WP(C).No. 6236 of 2005(P)

CMA.79/2004 of I ADDL.DISTRICT COURT, ERNAKULAM
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PETITIONERS:
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1. **KERALA VYAPARI VYAVASAYI EKOPANA SAMITHI EDAPPALLY TOLL UNIT,REP. BY SECRETARY T.I.ABDUL LATHEEF, AGED 43, S/O.T.K.ISMAIL, THAIKKOTTATHIL HOUSE, RAILWAY STATION ROAD, EDAPPALLY NORTH VILLAGE.**

2. **K.M.NAZARUDHEEN, AGED 39, S/O.P.MOOSA HAJI, PRESIDENT, KVVES, EDAPPALLY TOLL UNIT, KIZHAKKEKARA HOUSE, TOLL GATE, EDAPPALLY, THRIKKAKARA NORTH VILLAGE, KOCHI TALUK.**

3. **O.M.NAZAR, AGED 37, S/O.O.M.MUHAMMED KUNJU,TREASURER, KVVES, EDAPPALLY TOLL UNIT, OTHALAKUZHI HOUSE, CHAKKARAPARAMBU, POONITHURA VILLAGE, COCHIN-32.**

BY ADV. SRI.DINESH R.SHENOY
SRI.JOJO GEORGE

RESPONDENTS:
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1. **K.P.ABDUL KAREEM, AGED ABOUT 55, FATHER'S NAME NOT KNOWM, RASHID STORES, TOLL GATE V.P.MARAKKAR ROAD, EDAPPALLY P.O.**

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2. M.K.NASSER, AGED ABOUT 40,
FATEHR'S NAME NOT KNOWN, ALBO PLASTIC AND NEONS,
PATHADIPALAM, CHANGAMBUZHA NAGAR P.O.

3. A.M.ABOOBACKER, AGED ABOUT 50,
S/O.MOITHEEN, ANJIKKATT HOUSE, PIPE LINE JUNCTION,
B.M.C.POST OFFICE.

4. V.ALI, AGED ABOUT 55,
S/O.VEERAN, REEGAL REAL ESTATE,
TOLL GATE, EDAPPALLY.

5. A.V.GEORGE, AGED ABOUT 43, FATHER'S
NAME NOT KNOWN, ARUMAMTHURUTHU HOUSE,
MAROTTICHUVADU, NEAR B.M.NAGAR, EDAPPALLY.

6. A.A.RASHEED ALI, AGED 40,
FATHER'S NAME NOT KNOWN, EDAPPALLY BAKERY,
TOLL GATE, EDAPPALLY.

7. THE KERALA VYAPARI VYAVASAYI EKOPANA
SAMITHI, STATE COMMITTEE, VYAAPARA BHAVAN BANK
ROAD, CALICUT, REP. BY ALEX M.CHCKO.

BY ADV. SRI.KKM.SHERIF
SRI.K.K.JAYASOORIAN
SRI.P.M.KUNJIMOIDEENKUTTY
SRI.LAL K.JOSEPH
SRI.A.A.ZIYAD RAHMAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.6236/2005 P

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE ORDER DTD. 16/11/2004 PASSED BY THE 1ST ADDITIONAL DISTRICT COURT, ERNAKULAM IN I.A.NO.2123/2004 IN C.M.A.NO.79/2004.**

EXT.P2: **COPY OF THE PLAINT IN O.S.NO.310/2004 MUNSIFF COURT, ERNAKULAM.**

EXT.P2(A): **COPY OF I.A.NO.1755/2004.**

EXT.P3: **COPY OF THE COUNTER AFFIDAVIT FILED BY RESPONDENTS 1 TO 6.**

EXT.P4: **COPY OF LIST OF DOCUMENTS DTD. 25/02/2004 IN O.S.NO.310/2004.**

EXT.P5: **COPY OF THE ORDER DTD. 2/07/2004 IN I.A.NO.1755/2004 IN O.S.NO.310/2004, MUNSIFF COURT, ERNAKULAM.**

EXT.P6: **COPY OF THE ORDER DTD. 13/09/2004 IN I.A.NO.2123/2004 IN CMA.NO.79/2004, 1ST ADDITIONAL DISTRICT COURT, ERNAKULAM.**

/TRUE COPY/

P.A.TO JUDGE

KSS

PIUS C. KURIAKOSE, J.

W.P.(C) NO. 6236 of 2005

Dated this the 16th day of August , 2007

JUDGMENT

Under challenge in this writ petition under Article 227 of the Constitution is Ext.P1 order of the 1st Additional District Judge, Ernakulam freezing the bank account of the petitioner and also Ext.P5 order of prohibitory injunction passed by the additional Munsiff, Ernakulam against the petitioners. The learned counsel for the respondents submit that the suit is now special listed for trial. Even though the learned counsel for the petitioners sought time to verify, I have no reason to doubt the correctness of the submission made by the learned counsel for the respondents.

2. Under the above circumstances, I do not propose to examine the merits of the grounds of challenge on Exts.P1 and P5. I dispose of the writ petition directing the learned Additional Munsiff to dispose of O.S. No.310/2004 without being influenced in any manner by anything he has stated in Exts.P1 or P5. The

suit shall be decided on the basis of the evidence which comes on record at the trial. The suit shall be decided at the earliest and at any rate within one month of commencement of actual trial.

The writ petition is disposed of as above.

PIUS C. KURIAKOSE,

JUDGE.

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